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JANICE K. BREWER
GOVERNOR

Arizona Department of Corrections

1601 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 10, 2012

Tommie Cline Martin, Chairman
Gila County Board of Supervisors
610 East Highway 260
Payson, Arizona 85547
Fax: (928) 474-0802

Re: Contract No. 020020DC, Inmate Labor with ASPC - Florence/Globe
Amendment No. Two

Dear Ms. Martin:

Enclosed for your review and authorized signature is the above referenced Amendment between the Arizona Department of Corrections and the Gila County Board of Supervisors.

Please sign and return by September 18, 2012 to the address below. Please do not make any changes to the enclosed documents prior to discussing them with Procurement Services. Any unauthorized alteration may delay finalization.

A copy of the fully executed Amendment will be sent to you for your records.

If you have any questions, please contact Bernadette Hill, Senior Procurement Specialist or me at (602) 542-1172.

Sincerely,

Leon George
Chief Procurement Officer

LG/bh

Enclosure

Procurement Services, 1601 W. Jefferson, Phoenix, Arizona 85007, Mail Code 55302
Fax: 602-364-3790

STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
1601 West Jefferson, MC 55303
Phoenix, Arizona 85007-3002

AMENDMENT NUMBER TWO

The Contract entered into between the Gila County Board of Supervisors, hereinafter referred to as the Contractor, and the Director of the Arizona Department of Corrections for and on behalf of its Arizona State Prison Complex-Florence/Globe Unit (ASPC- Florence/Globe), hereinafter known as the Department is hereby amended as follows:

This Contract is hereby amended as follows:

Pursuant to the provision of the referenced Contract, under Section 3.A, the Arizona Department of Corrections shall exercise the option to extend the Contract for one additional five (5) year term, effective January 1, 2013 through December 31, 2017.

To change the name of Arizona State Prison Complex due to the transition of the Globe Unit from Phoenix to Florence:

From:

Arizona State Prison Complex – Phoenix/Globe Unit

To:

Arizona State Prison Complex – Florence/Globe

This Amendment shall also include and incorporate the following requirements:

In accordance with A.R.S §35-391 and A.R.S §35-393, the contractor hereby certifies that the contractor does not have scrutinized business in Sudan and Iran.

Government Procurement; E-Verify Requirement A.R.S. §41-4401

The Contractor warrants compliance with all Federal Immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.")

A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.

Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.

The State Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph listed herein.

Amendment No. Two

ADC Contract No. 020020DC
Page TwoContraband

Contraband means any dangerous drug, narcotic drug, intoxicating liquor of any kind, deadly weapon, dangerous instrument, explosive or any other article whose use of or possession would endanger the safety, security or preservation of order in a correctional facility or any person therein. (Any other article includes any substance which could cause abnormal behavior, i.e., marijuana, nonprescription medication, etc.).

Promoting prison contraband A.R.S. §13-2505:

A person, not otherwise authorized by law, commits promoting contraband;

By knowingly taking contraband into a correctional facility or the grounds of such a facility; or

By knowingly conveying contraband to any persons confined in a correctional facility; or

By knowingly making, obtaining, or possessing contraband in a correctional facility.

Any person who has reasonable grounds to believe there has been a violation or attempted violation of this section shall immediately report such violation or attempted violation to the official in charge of the facility or to a peace officer.

Unlawful Sexual Conduct

A person – who is employed by the State Department of Corrections or the Department of Juvenile Corrections; is employed by a private prison facility or a city or county jail; Contracts to provide services with the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail; is an official visitor, volunteer or agency representative of the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail – commits unlawful sexual conduct by intentionally or knowingly engaging in any act of a sexual nature with an offender who is in the custody of the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either Department or a city or county.

This section does not apply to a person who is employed by the State Department of Corrections, a private prison facility or a city or county jail or who Contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the State Department of Corrections or was incarcerated in a city or county jail.

Unlawful sexual conduct with an offender who is under fifteen years of age is a class 2 felony. Unlawful sexual conduct with an offender who is between fifteen and seventeen years of age is a class 3 felony. All other unlawful sexual conduct is a class 5 felony.

Unlawful sexual conduct; correctional facilities; classification; Definition A.R.S. §13-1419.

Federal Prison Rape Elimination Act 2003

The Contractor shall comply with the Federal Prison Rape Elimination Act of 2003.

Amendment No. Two

ADC Contract No. 020020DC
Page Three

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All other terms and conditions of this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

GILA COUNTY BOARD OF SUPERVISORS
FEDERAL ID# 866000444

ARIZONA DEPARTMENT OF CORRECTIONS

Signature of Authorized Individual	Date
<u>Tommie Cline Martin</u>	
Name	Typed
<u>Chairman, Board of Supervisors</u>	
Typed Title	
<u>610 East Highway 260</u>	
<u>Payson, Arizona 85547</u>	
Typed Address	

Signature of Authorized Individual	Date
<u>Michael P. Kearns</u>	
Typed Name	
<u>Division Director, Support Services</u>	
Typed Title	
<u>1601 West Jefferson, MC 328</u>	
<u>Phoenix, Arizona 85007-3002</u>	
Typed Address	

Additional Signatures as Applicable

Signature	Date
<u>Bryan Chambers</u>	
Typed Name	
<u>Chief Deputy County Attorney</u>	
Typed Title	

Signature	Date
Typed Name	
Typed Title	

Prepared by: Bernadette Hill, Senior Procurement Specialist
Date: September 10, 2012

This amendment shall be effective when all signatures are affixed.